

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant(s)	Wade Thomas Cathey Jr. et al.	Examiner	Audrey Y. Chang
Serial No.	10/758,740	Group Art No.	2872
Filed	16 January 2004	Confirmation No.	6369
For	EXTENDED DEPTH OF FIELD OPTICAL SYSTEMS		

19 November 2007

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Sir:

A response to the Notification of Non-Compliant Appeal Brief dated 02 November 2007 (“the 02 November Notification”) is submitted herewith in compliance with 37 C.F.R. §41.37(d). This Notification stated that the Amended Appeal Brief filed 21 May 2007 had not been signed. Accordingly, a signed, Amended Appeal Brief is filed herewith (the “Second Amended Brief”). The Second Amended Brief is amended: (1) to reference the 02 November Notification, and (2) to remove language pertaining to an extension fee that was submitted with the Amended Appeal Brief filed 21 May 2007.

This Response and the Second Amended Brief are timely submitted within one month of the 02 November Notification. No fees are believed due; however, if any fee is required in connection with this Response to Notification of Non-Compliant Appeal Brief or the accompanying Second Amended Brief, please charge deposit account no. 12-0600.

Respectfully submitted,

LATHROP & GAGE L.C.

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